

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RYAN, LLC,

Plaintiffs,

VS.

SEAN RADIN,

Defendant.

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL

Defendant Sean Radin files this Notice of Removal of this action to the United States District Court for the Northern District of Texas, Dallas Division, and would respectfully show the Court as follows:

I. PARTIES

Plaintiff Ryan, LLC (“Ryan”) is a Delaware limited liability company with its principal place of business in Dallas, Texas. For purposes of diversity of citizenship, Plaintiff Ryan is a citizen of Texas. For purposes of diversity of citizenship, Ryan is registered and authorized to do business the State of Texas.

Defendant Sean Radin (“Radin” or “Defendant”) is an individual who resides in the State of Maryland.

II. STATE COURT ACTION

Plaintiff Ryan filed its Original Petition for Breach of Contract and Injunctive Relief on May 16, 2024, in the 134th Judicial District Court in Dallas County, Texas, Cause No. DC-24-07221, styled *Ryan, LLC v. Sean Radin* (the “State Court Action”). **Exhibit D-1.**

Defendant was served with process on **June 12, 2024**, and filed his Original Answer on May 24, 2024. This was Defendant's first notice of the State Court Action. **Exhibit D-3**.

Plaintiff Ryan asserts a breach of contract claim against Defendant and alleges he is in breach of various provisions of his employment agreement. Plaintiff seeks monetary damages and injunctive relief. *See* **Exhibit D-1**.

III. GROUND FOR REMOVAL

This lawsuit is removable pursuant to 28 U.S.C. §§ 1332, 1441 (b), and 1446, because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.

A. Diversity Citizenship

This lawsuit is a civil dispute between a plaintiff who is a citizen of this state and a defendant who is a citizen of a different state.

Plaintiff Ryan, LLC is a citizen of Texas, with its place of business in Dallas, Texas. Plaintiff is also registered and authorized to do business in Texas. *See* **Exhibit D-1 ¶ 1**

Defendant Sean Radin is not a citizen of Texas. Radin formerly resided in Washington, D.C. and is now a citizen of Maryland, where he currently resides and was served with process in this lawsuit. *See* **Exhibit D-1 ¶ 2; Exhibit D-3**.

Thus, there is, and was at all times relevant to this Notice (including the time of initiation of the suit in state court, service of the Petition, and the filing of this Notice), complete diversity of citizenship between Plaintiff and Defendant. *See* 28 U.S.C. § 1332(c)(1).

B. Amount in Controversy

The amount in controversy, exclusive of costs and interest, exceeds \$75,000. *See* 28 U.S.C. § 1332(a). Plaintiff's Petition states that it seeks "monetary relief over \$250,000.00."

Exhibit D-1 ¶ 4. Thus, it is apparent from the face of Plaintiff's Petition that the amount in controversy exceeds \$75,000. *See Manguno v. Prudential Prop. & Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002).

Because Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000, this Court has jurisdiction and removal is proper. With this Notice, Defendant removes the State Court Action to this Court on the basis of diversity jurisdiction.

VI. COMPLIANCE WITH REMOVAL REQUIREMENTS

A. Removal is Timely

This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1) within thirty (30) days of June 12, 2024, the date Defendant received first notice of this action through service with process and a copy of Plaintiff's Original Petition. *See Exhibit D-3.*

B. Venue is Proper

Removal to this Court is proper because the state court action was pending in a County Court of Dallas County, Texas. Under 28 U.S.C. § 1441(a), venue of the removed action is proper in this Court for purposes of removal only because the Northern District of Texas, Dallas Division is the district and division embracing the place where the state court action is pending.

C. N.D. Tex. Local Rule Requirements

Pursuant to Local Rule 81.1, the following items are filed simultaneously herewith and incorporated herein by reference:

- Exhibit A: Civil Cover Sheet;
- Exhibit B: Supplemental Civil Cover Sheet;
- Exhibit C: Copy of the Docket Sheet in the state court action
- Exhibit D: Index of Documents filed in the state court action;

- Exhibit D-1: Plaintiff's Original Petition for Breach of Contract and Injunctive Relief
- Exhibit D-2: Citation
- Exhibit D-3: Return of Service
- Exhibit D-4: Defendant's Original Answer and Affirmative Defenses
- Exhibit E: Defendant's Certificate of Interested Persons

D. Notice Requirements

Pursuant to 28 U.S.C. § 1446(d), Defendant will file a true and correct copy of this Notice and all exhibits with the Clerk of the 134th Judicial District Court of Dallas County, Texas, thus giving notice that such court may proceed no further with respect to this action. Defendant will also promptly provide Plaintiff with written notice of the filing of this Notice as required by 28 U.S.C. § 1446(d).

In filing this Notice, Defendant does not waive, and expressly reserves, the right to assert any and all challenges and objections to service, personal jurisdiction, and any defenses, exceptions, rights, or motions in connection with Plaintiff's claims.

WHEREFORE, Defendant Sean Radin respectfully removes this matter from the 134th Judicial District Court of Dallas County, Texas to this Court for trial and determination of all issues and for all other relief, in law or equity, to which it is justly entitled.

Respectfully submitted,

/s/ Kimberly S. Moore

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ATTORNEYS FOR DEFENDANT

SEAN RADIN

CERTIFICATE OF SERVICE

The undersigned counsel certifies that on July 11, 2024, a true and correct copy of the foregoing instrument has been served upon all counsel of record in accordance with the Texas Rules of Civil Procedure.

/s/ Kimberly S. Moore

Kimberly S. Moore